

## **REMARKS**

### **Telephone Conversation of June 6, 2007**

In a telephone conversation on June 6, 2007, between the Examiner and Dr. J. Jason Galvez (on behalf of the assignee, University of Maryland), the Examiner clarified the status of claim 34. Specifically, the Examiner indicated that claim 34 is **not** objected to, and that the claim is allowable. Further, the Examiner requested that claim 34 be amended to recite that the claimed peptide was isolated.

### **Claims**

Claims 1, 7-12, 14-15, 29, and 34-37 are pending with claims 2-6, 13, 17-28, 30-33, and 38 cancelled without prejudice or disclaimer.

Applicant reserves the right to reintroduce cancelled subject matter during prosecution.

The allowability of claim 34 is hereby gratefully acknowledged.

### **Claim amendments**

Claim 34 is amended to recite "an isolated" compound. Support for the amendment can be found, for example, at page 10, lines 7-9 of the specification, as originally filed.

Additionally, peptide claims 24 and 25 are cancelled, as well as claims 26, 30, 33, and 38 which depend from claim 24. Pharmaceutical composition claim 32 is also cancelled.

Pharmaceutical composition claim 35 and agent claim 29 are each amended to depend from claim 34. As noted above, claim 34 recites allowable subject matter. Thus, these amendments to place claims 29 and 35, as well as claims 36 and 37 which depend from claim 29, in condition for allowance. Claim 37 is also amended to be consistent with the language at page 2, lines 7-20 of the specification.

Method claim 1 is also amended to depend from allowable claim 34. As a result, claims 2-6 are cancelled. Claim 7 is amended to be consistent with the language of amended claim 1. See also page 2, lines 11-13 of the specification.

Method claims 9, 10, 12, and 15 are also amended to be dependent on allowable claim 34. As a result of the amendment to claim 12, claim 13 is cancelled. Claim 14 is amended to use language in accordance with conventional US practice. Support for the change in

dependency of claims 1, 7, 9, 10, 12, 14, and 15 may be found throughout the specification, as originally filed. See, for example, the disclosure contained in the paragraph bridging pages 2 and 3; the paragraph bridging pages 7 and 8; and page 11, lines 1-23 of the specification.

As a result of the above amendments, all pending claims depend directly or indirectly from allowable claim 34. These amendments not only reduce the number of issues for appeal, but, more importantly, place the application in condition for allowance. The claim amendments do not raise new matter. Entry of the amendments is respectfully requested.

Applicant reserves the right to file divisional application directed to cancelled subject matter.

### **Rejoinder**

Previously withdrawn method of use claims (claims 1, 7-12, and 14-15) have been amended to recite all the features of allowable claim 34. In view of these amendments, eligibility of a rejoinder is earnestly requested. If a product claim is found allowable, process claims that depend from or otherwise require all the limitations of the patentable product may be rejoined. See M.P.E.P. § 821.04 (b).

### **Rejections under 35 U.S.C. §112, first paragraph (written description)**

This rejection is rendered moot in view of the above amendments. However, submission of these amendments is not to be construed as acquiescence to this or any other ground of rejection.

Applicant submits that the compounds claimed herein and the uses thereof are adequately described in the specification. See, for example, page 7, line 26 to page 8, line 2; the paragraph bridging pages 8 and 9; page 10, lines 3-6 of the originally filed specification; and the disclosure contained in the Examples. Withdrawal of the rejection is respectfully requested.

### **Rejections Under 35 U.S.C. §102(b)**

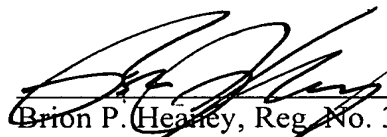
This rejection is rendered moot in view of the above amendments. However, submission of these amendments is not to be construed as acquiescence to this or any other ground of rejection. It is noted that this rejection is not applied to claim 34. As discussed

above, all the pending claims are amended to depend directly or indirectly from claim 34. Thus, the amendments render this rejection moot. Withdrawal of the rejection is thus respectfully requested

In view of the above-mentioned arguments and amendments, it is respectfully submitted that the claims in the application are in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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